



Reprinted
February 1, 2006

HOUSE BILL No. 1349

DIGEST OF HB 1349 (Updated January 31, 2006 7:12 pm - DI 77)

Citations Affected: IC 14-22.

Synopsis: Hunting facilities and licenses. Prohibits game mammals, elk, and furbearing mammals held under a game breeder's license, except for animals on a game breeder's licensed hunting facility (licensed hunting facility), from being hunted or harvested for sporting purposes. Prohibits hunting or harvesting game mammals, elk, and furbearing mammals held by a licensed hunting facility after July 1, 2013. Establishes requirements for licensed hunting facilities that allow hunting of deer or elk. Except for whitetail deer, provides that deer and elk taken at a licensed hunting facility are not subject to bag, sex, or size limits, or hunting license requirements. Prohibits deer and elk from being released into a licensed hunting facility after July 1, 2011. Makes permanent a provision authorizing the issuance of lifetime hunting, fishing, and trapping licenses. Allows an honorably discharged veteran to receive a lifetime hunting, fishing, and trapping license without charge.

Effective: July 1, 2006.

Ulmer, Ruppel, Robertson, Denbo

January 12, 2006, read first time and referred to Committee on Natural Resources.
January 19, 2006, amended, reported — Do Pass.
January 31, 2006, read second time, amended, ordered engrossed.

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HB 1349—LS 6824/DI 77+



Reprinted
February 1, 2006

Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

HOUSE BILL No. 1349

A BILL FOR AN ACT to amend the Indiana Code concerning
natural and cultural resources.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 14-22-12-7, AS AMENDED BY P.L.225-2005,
2 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2006]: Sec. 7. (a) ~~Before July 1, 2005~~, The director may issue
4 to residents of Indiana lifetime licenses to hunt, fish, or trap. Subject to
5 ~~subsection~~ **subsections** (b) **and (f)**, the following license fees shall be
6 charged:
7 (1) Lifetime basic fishing license, twenty (20) times the fee
8 charged for a resident yearly license to fish. This license replaces
9 the resident yearly license to fish.
10 (2) Lifetime basic hunting license, twenty (20) times the fee
11 charged for a resident yearly license to hunt. This license replaces
12 the resident yearly license to hunt.
13 (3) Lifetime comprehensive fishing license, thirty (30) times the
14 fee charged for a resident yearly license to fish. This license
15 replaces the resident yearly license to fish and all other yearly
16 licenses, stamps, or permits to fish for a specific species.
17 (4) Lifetime comprehensive hunting license, sixty (60) times the

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fee charged for a resident yearly license to hunt. This license replaces the resident yearly license to hunt and all other yearly licenses, stamps, or permits to hunt for a specific species or by a specific means.

(5) Lifetime comprehensive hunting and fishing license, the fee charged under subdivisions (3) and (4) less ten percent (10%). This license replaces the following:

(A) The resident yearly license to hunt.

(B) All other yearly licenses, stamps, or permits to hunt for a specific species or by a specific means.

(C) The resident yearly license to fish.

(D) All other yearly licenses, stamps, or permits to fish for a specific species.

(6) Lifetime trapping license, twenty (20) times the fee charged for a resident yearly license to trap. This license replaces the resident yearly license to trap.

(b) This subsection applies only to individuals who are at least fifty (50) years of age. The license fees under subsection (a) shall be reduced by the amount determined under STEP THREE of the following formula:

STEP ONE: Subtract forty-nine (49) from the resident applicant's age in years.

STEP TWO: Multiply the difference determined under STEP ONE by two and one-half percent (2.5%).

STEP THREE: Multiply the percentage determined under STEP TWO by the amount of the appropriate fee under subsection (a).

(c) Each lifetime license:

(1) is nontransferable;

(2) expires on the death of the person to whom the license was issued; and

(3) may be suspended or revoked for the same causes and according to the same procedures that a resident yearly license to hunt, fish, or trap, as appropriate, may be suspended or revoked.

(d) No part of a lifetime hunting, fishing, or trapping license is refundable. However, the holder of:

(1) a basic license to hunt or fish may be given credit for the current cost of such a license when purchasing a comprehensive license to hunt or fish or hunt and fish; and

(2) a comprehensive license to hunt or fish may be given credit for the current cost of such a license when purchasing a lifetime comprehensive license to hunt and fish.

(e) All money received under this section shall be deposited in the

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lifetime hunting, fishing, and trapping license trust fund established by IC 14-22-4.

(f) The director shall issue a lifetime hunting, fishing, and trapping license without charge to an individual who has applied for a lifetime hunting, fishing, and trapping license and who:

(1) is a resident of Indiana; and

(2) has served in and received an honorable discharge from the armed forces of the United States (as defined in IC 5-9-4-3).

SECTION 2. IC 14-22-20-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. **(a)** The department may, under rules adopted under IC 4-22-2, issue to a resident of Indiana, upon the payment of a fee of fifteen dollars (\$15), a license to:

(1) propagate in captivity; and

(2) possess, buy, or sell for this purpose only;

game birds, game mammals, **elk**, or furbearing mammals protected by Indiana law.

(b) Except as provided in section 5 of this chapter, game mammals, elk, and furbearing mammals held under this chapter may not be hunted or harvested for sporting purposes.

(c) After July 1, 2013, hunting and harvesting for sporting purposes of game mammals, elk, and furbearing mammals held under a license issued under this chapter are prohibited.

SECTION 3. IC 14-22-20-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. **(a) A person who:**

(1) possesses a license issued under this chapter;

(2) provides documentation to the department that the person has allowed deer or elk hunting under a license issued under this chapter in 2003, 2004, or 2005; and

(3) complies with the requirements set forth in subsection (c); is entitled to continue to allow hunting and harvesting of deer and elk for sporting purposes under this section, subject to subsection (c).

(b) The department shall provide a person who meets the conditions set forth in subsection (a) with a letter certifying that the person is authorized to operate a game breeder's licensed hunting facility under this section.

(c) A person who operates a game breeder's licensed hunting facility under this section must comply with the following requirements:

(1) A hunting stand may not be located closer than

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seventy-five (75) yards from the boundary fence.

(2) A deer or an elk must be released into the hunting area at least ten (10) days before it is hunted. Hunting of other deer and elk is not allowed in the hunting area during this period.

(3) The number of hunters in the hunting area at any time may not exceed one (1) hunter per twenty (20) acres.

(4) Any law or rule concerning the hunting of whitetail deer concerning weapon limitations applies to the hunting of any animal on a licensed hunting facility.

(5) The licensed hunting facility must comply with all rules of the board of animal health concerning deer and elk, including rules concerning chronic wasting disease (CWD).

(6) The licensed hunting facility may not sell a specific deer or elk to the hunter. However, the licensed hunting facility may charge either:

(A) a basic hunting fee; or

(B) a fee based upon the antler size of the deer or elk taken by the hunter.

(7) Hunting is prohibited in the area within one hundred fifty (150) yards of an artificial feeding site.

(8) The licensed hunting facility must maintain a hunting area that consists of at least eighty (80) contiguous acres and that is surrounded by a boundary fence at least eight (8) feet in height.

(9) The operator of a licensed hunting facility shall pay the department the following fees for each deer or elk harvested on the licensed hunting facility:

(A) Two hundred fifty dollars (\$250) per buck.

(B) Fifty dollars (\$50) per doe.

(10) The operator of a licensed hunting facility must maintain daily records concerning the following:

(A) The number of deer and elk released into the hunting area.

(B) The number of hunters.

(C) The number of deer and elk harvested.

(11) The licensed hunting facility must allow the department, at any time, to inspect the following:

(A) The daily records required under subdivision (10).

(B) The deer and elk.

(C) The hunting area.

(12) Before July 1, 2011, a person who operates a licensed hunting facility under this section shall submit a plan to the

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1 department that outlines how all deer and elk will be
2 harvested or removed from the licensed hunting facility.

3 (d) Except for whitetail deer, a deer or elk taken on a game
4 breeder's licensed hunting facility under this section is not subject
5 to:

6 (1) the bag, sex, and size limits established under
7 IC 14-22-2-6(a)(2); or

8 (2) hunting license requirements.

9 (e) Except for whitetail deer, a person may take deer and elk
10 from a game breeder's licensed hunting facility under this section
11 only during September, October, November, December, January,
12 February, March, and April.

13 (f) Deer and elk may not be released into a game breeder's
14 licensed hunting facility to which this section applies after July 1,
15 2011.

16 (g) This section expires July 1, 2013.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred House Bill 1349, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 5. IC 14-22-20-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. **(a)** The department may, under rules adopted under IC 4-22-2, issue to a resident of Indiana, upon the payment of a fee of fifteen dollars (\$15), a license to:

(1) propagate in captivity; and

(2) possess, buy, or sell for this purpose only;

game birds, game mammals, or furbearing mammals protected by Indiana law.

(b) A cervidae livestock operation licensed under IC 14-22-20.5 is not required to obtain a game breeders license under this section.

SECTION 6. IC 14-22-20.5-2, AS ADDED BY P.L.93-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. As used in this chapter, "cervidae livestock operation" means an operation that:

(1) has a ~~game breeders~~ **cervidae livestock operation** license issued by the department of natural resources; ~~under IC 14-22-20;~~

(2) contains privately owned cervidae; and

(3) involves the breeding, propagating, purchasing, selling, and marketing of cervidae or cervidae products;

but does not involve the hunting of privately owned cervidae.

SECTION 7. IC 14-22-20.5-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 6. The department shall, under rules adopted under IC 4-22-2, issue to a resident of Indiana, upon the payment of a fee of fifteen dollars (\$15), a license for a cervidae livestock operation."**

Page 3, line 32, delete "A" and insert **"(a) Except as provided in subsection (b), a"**.

Page 3, between lines 39 and 40, begin a new paragraph and insert:

"(b) A person who in 2003 held a breeder's license under IC 14-22-20 for elk or deer may apply to the division for an animal hunting preserve license. However, the person must continue to maintain not less than the same number of contiguous acres that the person maintained for the deer and elk while operating under the breeder's license in 2003."

Page 3, line 42, after "preserve" insert **"that allows the hunting of**

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game birds".

Page 4, line 23, after "wire." insert **"However, if the hunting preserve allows the hunting of deer or elk, the boundary must be marked by a fence that is at least eight (8) feet in height."**

Page 5, between lines 5 and 6, begin a new paragraph and insert:

"(e) An animal hunting preserve shall pay the following fees for each deer or elk harvested on the animal hunting preserve:

- (1) Two hundred fifty dollars (\$250) per buck.**
- (2) Fifty dollars (\$50) per doe."**

Page 6, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 18. IC 14-22-31-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 15. An animal hunting preserve that allows the hunting of deer or elk must comply with the following requirements:

- (1) At least forty percent (40%) of the area of the animal hunting preserve must consist of escape cover.**
- (2) A hunting stand must be located at least seventy-five (75) yards from the boundary fence.**
- (3) A deer or elk must be released into the animal hunting preserve at least ten (10) days before it is hunted. Hunting of other deer and elk is not allowed on the animal hunting preserve during this period.**
- (4) The number of hunters on an animal hunting preserve at any time may not exceed one (1) hunter per twenty (20) acres.**
- (5) A deer or elk that has been taken on an animal hunting preserve must be examined and tagged before it is removed from the animal hunting preserve.**
- (6) The animal hunting preserve must comply with all rules of the board of animal health concerning cervidae, including rules concerning chronic wasting disease (CWD).**
- (7) The animal hunting preserve may not sell a specific deer or elk to the hunter. However, the animal hunting preserve may charge either:**
 - (A) a basic hunting fee; or**
 - (B) a fee based upon the antler size of the deer or elk taken by the hunter.**
- (8) Hunting is prohibited in an area within one hundred fifty (150) yards of an artificial feeding site.**

SECTION 19. IC 14-22-31-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 16. A deer or elk taken on an

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animal hunting preserve is not subject to the bag, sex, and size limits established under IC 14-22-2-6(a)(2)."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1349 as introduced.)

HOFFMAN, Chair

Committee Vote: yeas 11, nays 1.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1349 be amended to read as follows:

Page 1, delete lines 1 through 17.

Delete page 2.

Page 3, delete lines 1 through 30.

Page 3, line 37, after "game mammals," insert "elk, ".

Page 3, line 39, delete "A cervidae livestock operation licensed under IC 14-22-20.5" and insert "**Except as provided in section 5 of this chapter, game mammals, elk, and furbearing mammals held under this chapter may not be hunted or harvested for sporting purposes.**

(c) After July 1, 2013, hunting and harvesting for sporting purposes of game mammals, elk, and furbearing mammals held under a license issued under this chapter are prohibited.

SECTION 2. IC 14-22-20-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 5. (a) A person who:**

(1) possesses a license issued under this chapter;

(2) provides documentation to the department that the person has allowed deer or elk hunting under a license issued under this chapter in 2003, 2004, or 2005; and

(3) complies with the requirements set forth in subsection (c); is entitled to continue to allow hunting and harvesting of deer and elk for sporting purposes under this section, subject to subsection (c).

(b) The department shall provide a person who meets the conditions set forth in subsection (a) with a letter certifying that the person is authorized to operate a game breeder's licensed hunting facility under this section.

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(c) A person who operates a game breeder's licensed hunting facility under this section must comply with the following requirements:

(1) A hunting stand may not be located closer than seventy-five (75) yards from the boundary fence.

(2) A deer or an elk must be released into the hunting area at least ten (10) days before it is hunted. Hunting of other deer and elk is not allowed in the hunting area during this period.

(3) The number of hunters in the hunting area at any time may not exceed one (1) hunter per twenty (20) acres.

(4) Any law or rule concerning the hunting of whitetail deer concerning weapon limitations applies to the hunting of any animal on a licensed hunting facility.

(5) The licensed hunting facility must comply with all rules of the board of animal health concerning deer and elk, including rules concerning chronic wasting disease (CWD).

(6) The licensed hunting facility may not sell a specific deer or elk to the hunter. However, the licensed hunting facility may charge either:

(A) a basic hunting fee; or

(B) a fee based upon the antler size of the deer or elk taken by the hunter.

(7) Hunting is prohibited in the area within one hundred fifty (150) yards of an artificial feeding site.

(8) The licensed hunting facility must maintain a hunting area that consists of at least eighty (80) contiguous acres and that is surrounded by a boundary fence at least eight (8) feet in height.

(9) The operator of a licensed hunting facility shall pay the department the following fees for each deer or elk harvested on the licensed hunting facility:

(A) Two hundred fifty dollars (\$250) per buck.

(B) Fifty dollars (\$50) per doe.

(10) The operator of a licensed hunting facility must maintain daily records concerning the following:

(A) The number of deer and elk released into the hunting area.

(B) The number of hunters.

(C) The number of deer and elk harvested.

(11) The licensed hunting facility must allow the department, at any time, to inspect the following:

(A) The daily records required under subdivision (10).

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(B) The deer and elk.

(C) The hunting area.

(12) Before July 1, 2011, a person who operates a licensed hunting facility under this section shall submit a plan to the department that outlines how all deer and elk will be harvested or removed from the licensed hunting facility.

(d) Except for whitetail deer, a deer or elk taken on a game breeder's licensed hunting facility under this section is not subject to:

(1) the bag, sex, and size limits established under IC 14-22-2-6(a)(2); or

(2) hunting license requirements.

(e) Except for whitetail deer, a person may take deer and elk from a game breeder's licensed hunting facility under this section only during September, October, November, December, January, February, March, and April.

(f) Deer and elk may not be released into a game breeder's licensed hunting facility to which this section applies after July 1, 2011.

(g) This section expires July 1, 2013."

Page 3, delete lines 40 through 42.

Delete pages 4 through 8.

Renumber all SECTIONS consecutively.

(Reference is to HB 1349 as printed January 20, 2006.)

ULMER

HOUSE MOTION

Mr. Speaker: I move that House Bill 1349 be amended to read as follows:

Page 3, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 5. IC 14-22-12-7, AS AMENDED BY P.L.225-2005, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. (a) ~~Before July 1, 2005~~, The director may issue to residents of Indiana lifetime licenses to hunt, fish, or trap. Subject to ~~subsection~~ **subsections (b) and (f)**, the following license fees shall be charged:

(1) Lifetime basic fishing license, twenty (20) times the fee charged for a resident yearly license to fish. This license replaces the resident yearly license to fish.

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(2) Lifetime basic hunting license, twenty (20) times the fee charged for a resident yearly license to hunt. This license replaces the resident yearly license to hunt.

(3) Lifetime comprehensive fishing license, thirty (30) times the fee charged for a resident yearly license to fish. This license replaces the resident yearly license to fish and all other yearly licenses, stamps, or permits to fish for a specific species.

(4) Lifetime comprehensive hunting license, sixty (60) times the fee charged for a resident yearly license to hunt. This license replaces the resident yearly license to hunt and all other yearly licenses, stamps, or permits to hunt for a specific species or by a specific means.

(5) Lifetime comprehensive hunting and fishing license, the fee charged under subdivisions (3) and (4) less ten percent (10%). This license replaces the following:

(A) The resident yearly license to hunt.

(B) All other yearly licenses, stamps, or permits to hunt for a specific species or by a specific means.

(C) The resident yearly license to fish.

(D) All other yearly licenses, stamps, or permits to fish for a specific species.

(6) Lifetime trapping license, twenty (20) times the fee charged for a resident yearly license to trap. This license replaces the resident yearly license to trap.

(b) This subsection applies only to individuals who are at least fifty (50) years of age. The license fees under subsection (a) shall be reduced by the amount determined under STEP THREE of the following formula:

STEP ONE: Subtract forty-nine (49) from the resident applicant's age in years.

STEP TWO: Multiply the difference determined under STEP ONE by two and one-half percent (2.5%).

STEP THREE: Multiply the percentage determined under STEP TWO by the amount of the appropriate fee under subsection (a).

(c) Each lifetime license:

(1) is nontransferable;

(2) expires on the death of the person to whom the license was issued; and

(3) may be suspended or revoked for the same causes and according to the same procedures that a resident yearly license to hunt, fish, or trap, as appropriate, may be suspended or revoked.

(d) No part of a lifetime hunting, fishing, or trapping license is

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refundable. However, the holder of:

- (1) a basic license to hunt or fish may be given credit for the current cost of such a license when purchasing a comprehensive license to hunt or fish or hunt and fish; and
- (2) a comprehensive license to hunt or fish may be given credit for the current cost of such a license when purchasing a lifetime comprehensive license to hunt and fish.

(e) All money received under this section shall be deposited in the lifetime hunting, fishing, and trapping license trust fund established by IC 14-22-4.

(f) The director shall issue a lifetime hunting, fishing, and trapping license without charge to an individual who has applied for a lifetime hunting, fishing, and trapping license and who:

- (1) is a resident of Indiana; and**
- (2) has served in and received an honorable discharge from the armed forces of the United States (as defined in IC 5-9-4-3)."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1349 as printed January 20, 2006.)

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